

April 14, 2010

VIA ELECTRONIC MAIL AND U.S. MAIL

[Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov)

Chairman Charles R. Hoppin  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Re: Informational Proceeding to Develop Delta Outflow Criteria

Dear Chairman Hoppin:

On behalf of Stockton East Water District (SEWD), we would like to thank you for the opportunity to provide closing comments on the Informational Proceeding to develop Delta Outflow Criteria. SEWD did not submit testimony or witnesses for the informational proceeding because, as detailed in the Public Notice for the Proceeding, the focus of this proceeding was on Delta outflow conditions and not specific instream flows needs from tributaries to the Delta. SEWD has extensive information regarding tributary matters and will participate in any future State Water Board proceeding addressing tributary flows at that time.

Based on a review of the testimony submitted and the three days of hearings, it is clear that the relationship between conditions in the Delta and Delta outflow is complex. Testimony demonstrated that the causal relationship between Delta outflow and the fishery populations is not well understood. Delta outflow is only one of many factors affecting fish populations in the Delta. As many of the participants suggested, there are many other significant factors that have contributed to the decline in the fishery other than flows, such as predation, introduction of non-native species, pollution, highly modified conditions in the Delta, that must be fully investigated and evaluated before new numerical outflow criteria are proposed.

Because of the lack of scientific certainty moving forward with adopting new numeric criteria is not warranted at this time. Instead, the State Water Board should consider as an initial first step resulting from this proceeding the development of narrative criteria that sets forth the framework for the development of studies and

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analysis needed of the Delta ecosystem and sets forth the manner in which other factors affecting the Delta ecosystem will be evaluated and analyzed utilizing the best available science. New numeric criteria should only be considered after a thorough evaluation of flow in the context of the other factors affecting the Delta ecosystem.

We appreciate the opportunity to comment and look forward to working with the State Water Board in future proceedings.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karna E. Harrigfeld". The signature is stylized and somewhat cursive.

KARNA E. HARRIGFELD  
Attorney-at-Law

KEH:md

cc: Kevin M. Kauffman